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## 2013-2014 Regular Sessions

## IN SENATE

June 11, 2013

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to authorizing the issuance of a distiller's license to the owners and operators of certain premises

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 101 of the alcoholic beverage control law is amended by adding a new subdivision 6 to read as follows:

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6. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE STATE LIQUOR AUTHORITY MAY ISSUE A LICENSE UNDER SUBDIVISION TWO-C OF SECTION SIXTY-ONE OF THIS CHAPTER TO THE OWNER AND/OR OPERATOR OF THE PARCELS DESCRIBED IN THIS PARAGRAPH. THE LEGAL DESCRIPTIONS FOR THE THREE PARCELS SO IDENTIFIED AS THE SITE ARE AS FOLLOWS:

PARCEL A

9 ALL THAT PIECE OR PARCEL OF PROPERTY SITUATE IN THE VILLAGE OF LAKE 10 GEORGE, COUNTY OF WARREN, STATE OF NEW YORK AND BEING BOUNDED AND 11 DESCRIBED AS FOLLOWS:

12 BEGINNING AT A POINT AT THE INTERSECTION OF THE SOUTHWESTERLY BOUNDARY 13 BEACH ROAD WITH THE SOUTHEASTERLY BOUNDARY OF LANDS NOW OR FORMERLY 14 OF HOLLY RAJ INC., AND RUNNING THENCE SOUTHEASTERLY ALONG SOUTHWESTERLY BOUNDARY OF BEACH ROAD AND THE SOUTHWESTERLY BOUNDARY OF 15 LANDS NOW OR FORMERLY OF THE VILLAGE OF LAKE GEORGE 16 THEFOLLOWING NINE COURSES AND DISTANCES: 1) SOUTH 47° 49' 51" EAST 49.20 FEET TO A 17 18 POINT; 2) SOUTH 41° 08' 51" EAST 50.18 FEET TO A POINT; 3) SOUTH 34° 19'

19 51" EAST 20.62 FEET TO A POINT; 4) SOUTH 34° 19' 51" EAST 29.38 FEET TO 20 A POINT; 5) SOUTH 28° 23' 51" EAST 54.00 FEET TO A POINT; 6) SOUTH 23°

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets

[ ] is old law to be omitted.

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28' 51" EAST 75.29 FEET TO A POINT; 7) SOUTH 25° 57' 51" EAST 130.22 TO A POINT; 8) SOUTH 30° 43' 21" EAST 109.09 FEET TO A POINT; AND 9) SOUTH 29° 21' 51" EAST 140.00 FEET TO A POINT IN THE NORTHWESTERLY BOUNDARY OF THE PREMISES CONVEYED BY THE COUNTIES OF WARREN AND WASHING-INDUSTRIAL DEVELOPMENT AGENCY TO THE FORT WILLIAM HENRY CORPORATION BY DEED DATED MAY 18, 1998 AND RECORDED IN THE WARREN COUNTY CLERK'S 7 ON MAY 28, 1998 IN LIBER 1066 OF DEEDS AT PAGE 279; THENCE SOUTH 60° 37' 18" WEST ALONG THE SAID NORTHWESTERLY BOUNDARY OF THE PREMISES 9 CONVEYED BY THE COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT 10 AGENCY TO THE FORT WILLIAM HENRY CORPORATION 70.01 FEET TO A POINT; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY BOUNDARY OF 11 12 CONVEYED BY THE COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT 13 FORT WILLIAM HENRY CORPORATION THE FOLLOWING (5) FIVE AGENCY TO THE 14 COURSES AND DISTANCES: 1) NORTH 29° 21' 51" WEST 139.17 FEET TO A POINT; 2) NORTH 30° 43' 21" WEST 111.17 FEET TO A POINT; 3) NORTH 25° 16 WEST 130.20 FEET TO A POINT; 4) NORTH 26° 32' 41" WEST 145.00 FEET TO A POINT; AND 5) NORTH 42° 42' 21" WEST 120.00 FEET TO A POINT IN THE FIRST 17 MENTIONED SOUTHEASTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF HOLLY RAJ 18 19 INC.; THENCE NORTH 51° 01' 09" EAST ALONG THE SAID SOUTHEASTERLY BOUNDA-20 RY OF LANDS NOW OR FORMERLY OF HOLLY RAJ INC. 70.00 FEET TO THE POINT 21 OF BEGINNING, CONTAINING 1.062 ACRES OF LAND, BEING THE SAME MORE 22

## PARCEL B

ALL THAT PIECE OR PARCEL OF PROPERTY SITUATE IN THE VILLAGE OF LAKE GEORGE, COUNTY OF WARREN, STATE OF NEW YORK AND BEING BOUNDED AND DESCRIBED AS FOLLOWS:

27 AT A POINT AT THE INTERSECTION OF THE EASTERLY BOUNDARY OF BEGINNING 28 NEW YORK STATE ROUTE 9N WITH THE NORTHERLY BOUNDARY OF LANDS 29 FORMERLY OF CHARLES R. WOOD FOUNDATION, AND RUNNING THENCE NORTHERLY ALONG THE SAID EASTERLY BOUNDARY OF NEW YORK STATE ROUTE 9N THE FOLLOW-30 FOUR (4) COURSES AND DISTANCES: 1) NORTH 03°- 06'- 51" WEST 54.12 31 32 FEET TO A POINT; 2) NORTH 00°- 54'- 09" EAST 281.77 FEET TO A POINT; 33 01°-45'- 09" EAST 59.83 FEET TO A POINT; AND 4) NORTH 02°- 47'-35" WEST 51.87 FEET TO AN IRON PIN IN THE SOUTHERLY BOUNDARY OF 34 35 LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORPORATION; THENCE EASTERLY ALONG THE SAID SOUTHERLY BOUNDARY OF OTHER LANDS NOW OR FORMERLY OF FORT 36 37 WILLIAM HENRY CORPORATION THE FOLLOWING THREE (3) COURSES AND DISTANCES: NORTH 88°- 22'- 09" EAST 475.96 FEET TO A POINT; 2) NORTH 60°- 07'-38 39 09" EAST 66.22 FEET TO A POINT; AND 3) NORTH 47°- 47'- 09" EAST 40 TO AN IRON PIPE IN THE EASTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF THE VILLAGE OF LAKE GEORGE; THENCE SOUTHERLY ALONG THE SAID 41 EASTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF THE VILLAGE OF LAKE GEORGE THE 42 43 FOLLOWING THREE (3) COURSES AND DISTANCES: 1) SOUTH 32°- 08'-51" TO A POINT; 2) SOUTH 37°- 04'- 51" EAST 221.91 FEET TO A 44 148.00 FEET 45 POINT; AND 3) SOUTH 32°- 47'- 51" EAST 83.60 FEET TO A POINT THEOF THE AFOREMENTIONED LANDS NOW OR FORMERLY OF 46 NORTHERLY BOUNDARY 47 CHARLES R. WOOD FOUNDATION; THENCE WESTERLY ALONG THE SAID NORTHERLY BOUNDARY OF 48 LANDS NOW OR FORMERLY OF CHARLES R. WOOD FOUNDATION THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) SOUTH 55°- 39'-49 WEST 50 188.00 FEET TO A SQUARE HEAD BOLT; 2) SOUTH 68°- 08'- 09" WEST 115.00 FEET TO A POINT; 3) SOUTH 81°- 37'-09" WEST 240.84 FEET TO A POINT; 51 74°- 08'- 09" WEST 546.05 FEET TO THE POINT OF BEGINNING, 52 53 CONTAINING 8.558 ACRES OF LAND, BEING THE SAME MORE OR LESS.

ALSO, ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE LYING AND BEING IN THE VILLAGE OF LAKE GEORGE, COUNTY OF WARREN, STATE OF NEW YORK, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCING AT A POINT LOCATED ON THE WESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF WARREN COUNTY AS DESCRIBED IN LIBER 281, PAGE 51, SAID POINT ALSO BEING ON THE DIVISION LINE BETWEEN LANDS NOW OR FORMERLY OF WARREN COUNTY (LIBER 4390 PAGE 154) ON THE SOUTH AND LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORP. (LIBER 497 PAGE 222) ON THE NORTH; THENCE ALONG SAID DIVISION LINE SOUTH 40°27'30" WEST, 188.00 FEET TO THE POINT OF BEGINNING; THENCE THROUGH SAID LANDS OF WARREN COUNTY THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) SOUTH 33°45'28" WEST, 74.95 FEET TO A POINT, 2) SOUTH 59°52'14" WEST, 108.57 FEET TO A POINT, AND 3) NORTH 75°07'46" WEST, 41.87 FEET TO A POINT ON THE DIVISION LINE BETWEEN SAID LANDS OF WARREN COUNTY ON THE SOUTH AND LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORP. (LIBER 497 PAGE 222) ON THE NORTH; THENCE ALONG SAID DIVISION LINE NORTH 66°25'30" EAST, 91.92 FEET TO A POINT; THENCE NORTH 52°56'30" EAST, 115.00 FEET TO THE POINT OR PLACE OF BEGINNING.

EXCEPTING AND RESERVING THEREFROM, ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE LYING AND BEING IN THE VILLAGE OF LAKE GEORGE, COUNTY OF WARREN, STATE OF NEW YORK, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT LOCATED ON THE WESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF WARREN COUNTY AS DESCRIBED IN LIBER 281, PAGE 51, SAID POINT ALSO BEING ON THE DIVISION LINE BETWEEN LANDS NOW OR FORMERLY OF (LIBER 4390 PAGE 154) ON THE SOUTH AND LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORP. (LIBER 497 PAGE 222) ON THE NORTH; THENCE ALONG SAID DIVISION LINE SOUTH 40°27'30" WEST, 188.00 FEET TO A POINT; THENCE THROUGH SAID LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORP. NORTH 33°45'28" EAST, 102.84 FEET TO A POINT; THENCE NORTH 40°27'30" 85.36 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF WARREN COUNTY (LIBER 281, PAGE 51); THENCE ALONG SAID WESTERLY BOUNDARY SOUTH 51°54'30" EAST, 12.01 FEET TO THE POINT OR PLACE OF BEGINNING.

## PARCEL C

ALL THAT PIECE OR PARCEL OF PROPERTY SITUATE IN THE VILLAGE OF LAKE GEORGE, COUNTY OF WARREN, STATE OF NEW YORK AND BEING BOUNDED AND DESCRIBED AS FOLLOWS:

34 BEGINNING AT AN IRON PIN AT THE INTERSECTION OF THE EASTERLY BOUNDARY 35 YORK STATE ROUTE 9N WITH THE NORTHERLY BOUNDARY OF OTHER LANDS 36 NOW OR FORMERLY OF FORT WILLIAM HENRY CORPORATION; SAID PIN BEING 37 LOCATED THE FOLLOWING FOUR (4) COURSES AND DISTANCES NORTHERLY FROM THE 38 INTERSECTION OF THE EASTERLY BOUNDARY OF NEW YORK STATE ROUTE 9N WITH 39 NORTHERLY BOUNDARY OF LANDS NOW OR FORMERLY OF CHARLES R. WOOD 40 FOUNDATION: 1) NORTH 03°- 06'- 51" WEST 54.12 FEET; 2) NORTH 00°-281.77 FEET; 3) NORTH 01°- 45'- 09" EAST 59.83 FEET; AND 4) 41 EAST NORTH 02°- 47'- 35" WEST 51.87 FEET, AND RUNNING THENCE FROM SAID POINT 42 43 BEGINNING NORTHERLY ALONG THE SAID EASTERLY BOUNDARY OF NEW YORK 44 STATE ROUTE 9N THE FOLLOWING SEVEN (7) COURSES AND DISTANCES: 1) 45 29'-09" EAST 105.00 FEET TO A POINT; 2) NORTH 09°- 11'- 09" EAST 60.10 FEET TO A POINT; 3) NORTH 05°- 41'- 09" EAST 161.06 FEET TO A 46 NORTH 09°- 28'-34" EAST 124.23 FEET TO AN IRON PIN; 5) NORTH 47 4) 48 14°- 08'- 27" EAST 150.26 FEET TO A SQUARE MONUMENT; 6) NORTH 22°- 36'-49 EAST 111.15 FEET TO A POINT; AND 7) NORTH 17°- 47'- 09" EAST 91.79 FEET TO AN IRON PIPE IN THE SOUTHERLY BOUNDARY OF LANDS NOW OR FORMERLY 50 51 OF ADIRONDACK ENTERTAINMENT AND RECREATION, INC.; THENCE SOUTH 59°- 07'-ALONG THE SAID SOUTHERLY BOUNDARY OF LANDS NOW OR FORMERLY OF 52 ADIRONDACK ENTERTAINMENT AND RECREATION, INC. 40.70 FEET TO A POINT; 53 54 THENCE NORTH 51°- 01'- 09" EAST ALONG THE SOUTHEASTERLY BOUNDARY OF SAID 55 LANDS NOW OR FORMERLY OF ADIRONDACK ENTERTAINMENT AND RECREATION, INC. 167.30 FEET TO A POINT IN THE SOUTHWESTERLY BOUNDARY OF LANDS NOW OR 56

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FORMERLY OF THE ADIRONDACK LAKEVIEW CORPORATION; THENCE SOUTHEASTERLY ALONG THE SAID SOUTHWESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF THE ADIRONDACK LAKEVIEW CORPORATION THE FOLLOWING FIVE (5) COURSES AND DISTANCES: 1) SOUTH 42°- 42'- 21" EAST 120.00 FEET TO A POINT; 2) SOUTH 26°- 32'- 41" EAST 145.00 FEET TO A POINT; 3) SOUTH 25°-55'- 51" 130.20 FEET TO A POINT; 4) SOUTH 30°- 43'- 21" EAST 111.17 FEET TO A POINT; AND 5) SOUTH 29°- 21'- 51" EAST 139.17 FEET TO A POINT; 7 NORTH 60°- 37'- 18" EAST ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LANDS 9 NOW OR FORMERLY OF THE ADIRONDACK LAKEVIEW CORPORATION 70.01 FEET TO A 10 THE WESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF THE VILLAGE POINT OF LAKE GEORGE; THENCE SOUTHERLY ALONG THE SAID WESTERLY BOUNDARY OF 11 LANDS NOW OR FORMERLY OF THE VILLAGE OF LAKE GEORGE THE FOLLOWING TWO 12 (2) COURSES AND DISTANCES: 1) SOUTH 29°- 21'- 51" EAST 32.24 FEET TO A 13 14 POINT; AND 2) SOUTH 30°- 27'- 51" EAST 73.00 FEET TO AN IRON PIPE IN THE NORTHERLY BOUNDARY OF OTHER LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY 16 CORPORATION; THENCE WESTERLY ALONG THE SAID NORTHERLY BOUNDARY OF OTHER 17 LANDS NOW OR FORMERLY OF FORT WILLIAM HENRY CORPORATION THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) SOUTH 47°- 47'- 09" WEST 315.47 FEET 18 19 TO A POINT; 2) SOUTH 60°- 07'- 09" WEST 66.22 FEET TO A POINT; AND 3) SOUTH 88°- 22'- 09" WEST 475.96 FEET TO THE POINT OF BEGINNING, CONTAIN-20 21 ING 9.398 ACRES OF LAND, BEING THE SAME MORE OR LESS.

- (B) THE SITE MAY, BUT SHALL NOT BE REQUIRED TO, BE USED TO PRODUCE SPIRITS AS A CONDITION OF SUCH LICENSE.
- (C) NO PERSON SHALL BE DISQUALIFIED FROM ACTING AS A DIRECTOR, OFFICER OR EMPLOYEE OF, OR PURVEYOR TO THE LICENSEE BY REASON OF SUCH PERSON HOLDING A LICENSE PURSUANT TO THIS CHAPTER, OR BEING AFFILIATED WITH A LICENSEE UNDER THIS CHAPTER AS A SHAREHOLDER, PARTNER, MEMBER, OFFICER, DIRECTOR OR EMPLOYEE.
- (D) NO PERSON SHALL BE DISQUALIFIED FROM BEING A LENDER, LESSEE OR LESSOR TO THE LICENSEE ON TERMS AGREED WITH THE BOARD OF DIRECTORS OF SUCH LICENSEE, BY REASON OF SUCH PERSON HOLDING A LICENSE PURSUANT TO THIS CHAPTER, OR BEING AFFILIATED WITH A LICENSEE UNDER THIS CHAPTER OR OTHER LAW AS A SHAREHOLDER, PARTNER, MEMBER, OFFICER, DIRECTOR OR EMPLOYEE. SUCH PERSONS SHALL BE ENTITLED, REGARDLESS OF THEIR LICENSING STATUS PURSUANT TO THIS CHAPTER, TO OBTAIN ALL THE BENEFITS GENERALLY APPROVED BY THE BOARD OF DIRECTORS OF SUCH LICENSEE.
- (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, UNDER THE LICENSE GRANTED PURSUANT TO THIS SUBDIVISION, THE LICENSEE IS EXPRESSLY AUTHORIZED TO:
- 40 (I) SELL NEW YORK STATE PRODUCED WINES, BEERS AND DISTILLED SPIRITS 41 FOR BOTH ON AND OFF PREMISES CONSUMPTION AS OTHERWISE PROVIDED IN THIS 42 SUBDIVISION;
  - (II) OFFER TASTINGS AT THE SITE OF SUCH PRODUCTS AND CHARGE THE GENERAL PUBLIC SUCH AMOUNTS AS IT DEEMS FIT FOR SUCH TASTINGS. FOR PURPOSES OF THIS SUBDIVISION, TASTINGS MAY BE CONDUCTED IN A COMMON TASTING AREA ON THE SITE; AND
- 47 (III) PROVIDE CONFERENCE CENTER, BANQUET AND ENTERTAINMENT FACILITIES
  48 FOR THE GENERAL PUBLIC OR FOR PRIVATE PARTIES IN CONSIDERATION OF SUCH
  49 FEES AS ARE ESTABLISHED BY THE BOARD OF DIRECTORS OF THE LICENSEE FROM
  50 TIME TO TIME, AND TO SELL AND SERVE AT SUCH EVENTS WINES, BEERS AND
  51 DISTILLED SPIRITS.
  - S 2. This act shall take effect immediately.